

AAN-CV18-6026839-S	:	J.D. OF ANSONIA - MILFORD
HUSH IT UP, LLC	:	AT MILFORD
V.	:	
PLANNING & ZONING COMMISSION OF THE CITY OF SHELTON	:	OCTOBER 30, 2018

### **APPELLEE'S BRIEF**

#### **I. Procedural and Factual History**

On or about November 11, 2017 HUSH IT UP, LLC ("Appellant") filed with the Shelton Planning and Zoning Administrator, Mr. Richard Schultz ("Administrator"), an Application for Certificate of Zoning Compliance and a Statement of Use requesting permission to operate a "speakeasy" - themed establishment..." in the lower level of 303 Old Bridgeport Avenue ("Premises") in Shelton, Connecticut. (Return of Record ("ROR") (Exhibits 1, 2 and 3.)) The Premises is located in the Restricted Business District ("RBD") of the City of Shelton. (See Section 21.6 of Zoning Regulations of the City of Shelton.)

In its Addendum to Statement of Use, the Appellant stated that the intended use or activity may include, inter alia, "...plays and shows, ..." (ROR Exhibit 3 Pg.1). The Appellant described the intended entrance of the premises to be generally "inconspicuous ... not visible from Bridgeport Avenue..., next to impossible to find without entering the address in a GPS ...[a] black door in the back of the building secluded near a wooded area and the unmarked interior entrance door... camouflaged by a painted mural of a bookcase." (Id.)

The statement of use further elaborated that hostesses would be in costumes ("flappers") (ROR Exhibit 8) and that "[t]he only "burlesque" aspect of entertainment ...

envisioned... is ... music and comedy ... in the style of format of a 1920s variety show...which may include ... instrumental and vocal musical performers, comedians, comedic sketches, magicians, jugglers and ventriloquists". (ROR Exhibit 3 Pg. 2)

Section 23 of the Shelton Zoning Regulations explains permitted uses in all zones throughout Shelton. It does this by integrating a table which designates zones in columns and uses in rows. It then uses an array of letters to explain how a particular use is treated in a zone. As an additional clarification at Section 23.2 entitled "Prohibited Uses" the regulation states, inter alia, "Any use not specified in Schedule A as permitted is prohibited." (A full copy of Section 23 is hereto attached as Appendix A)

In accordance with his authorized discretion under Section 2.1 of the zoning regulations, the Administrator referred the application to the Shelton Planning and Zoning Commission for determination as to whether the speakeasy themed use was an allowed use in the RBD zone under Section 23. (See ROR Exhibit 17) The Administrator also referred the application to the Shelton Fire Marshal who submitted a written report back to the Administrator on December 7, 2017. (ROR Exhibit 22) As public record this report was immediately available to the public from December 7, 2017. (See Connecticut Freedom of Information Act.)

Under Section 3.2.2 of the Shelton Zoning Regulations, the application was to have a plot plan drawn to scale; it did not. (ROR Exhibit 4)<sup>1</sup> Within the application the Appellant opined that 14 parking spaces would be sufficient for the intended use. (ROR Exhibit 2) The City of Shelton Fire Marshal disagreed (ROR Exhibit 22). The Fire Marshal in his written submission noted that the occupancy potential of 50 people

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<sup>1</sup> Exhibit 4 states that the square footage of the premises is 29 feet by 46 feet which is 1334 square feet. Exhibit 2 provides that the square footage of the premises is 2700 square feet.

rendered the intended 14 spaces inadequate and increased the potential for patrons to park on the street thereby hampering emergency access to the Premises. (Id.)

Section 42 of the Shelton Zoning Regulations details the requirements for off street parking for all uses in the City. The regulations are general and are based on use rather than zone. Section 42.1 reads in part:

It is the purpose and intent of this Section to assure parking spaces are provided off the street in such number and location ... to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time ...

Section 42.1 has a table which assigns minimum spaces required to different classifications of use. At item 34 the use classification of theater is required to have one parking space for each three seats in the main assembly room. A maximum capacity of 50 people (in seats) would require 17 parking spaces. (A full copy of Section 42 is hereto attached as Appendix B)

At their December 19, 2017 meeting the Shelton Planning and Zoning Commission considered the application including the Addendum to the Statement of Use (ROR Exhibit 18) As the meeting opened the Commission read into the record correspondence it had received as to the application. This included the letter from the Fire Marshal and a neighborhood petition signed by 241 people in opposition to the application. (ROR Exhibit 18 Pg. 184 and Exhibit 24)

The Appellant's Attorney accused the Commission of unfair surprise regarding the written submissions of the Fire Marshal and the neighborhood. (ROR Exhibit 18 Pg. 185) The attorney then elaborated again on the speakeasy themed use by reciting almost verbatim the text of the Addendum to the Statement of Use: inconspicuous

entrance ... camouflaged door ... flapper style costumes. (ROR Exhibit 18 Pgs. 185-186)

In doing so he also stated that the earlier application which he withdrew "... was really "bare bones" and not explained as well as it should have been." (Id. at pg. 186)

In response to questions from the Commission the attorney could not explain the square footage differences in the application: 1334 square feet or 2700 square feet. (Id. at pg. 187) He could not provide an answer as to dimensions of various rooms within the premises and finally conceded that the application was not to scale. (Id. at pg. 189). He knew nothing about the intended lighting in the parking lot. (Id. at pg. 191) He conceded that the intended entertainment was "discreet" -- "away from the public eye and off the beaten path". (Id. at pg.191) He disagreed with the Commission chair as to whether his characterization of the use was actually theatre, but when reminded that he called the intended activity shows, he opted to call them "skits". (Id. at pg. 190).

Thereafter the Administrator stated "... in my professional opinion a "speakeasy" is a principal use and also prohibited." (Id.) He offered the Commission, if it was in agreement, his December 15 draft report and resolution which was consistent with his opinion. (ROR Exhibit 18 pg. 191 and Exhibit 21) The draft further expanded on reasons for rejection by incorporating an opinion similar to that of the Commission chair that the "speakeasy" Addendum showed the use to be more akin to theatre - a use not allowed in RBD zone. (Id.) Finally, he made reference to the Fire Marshal report. (Id.)

The Commission was in agreement with the recommendation noting that use was not permitted under Section 23 of the regulations and parking was inadequate. (Id. at pg. 192) Further the Commission concluded that the use as proposed "without

proper regulations and standards" ... would have a negative impact on the public health, safety and welfare. (Id.)

By unanimous vote the Commission adopted the draft resolution of the Administrator and denied the application. (Id.)

## **II. Law and Legal Argument**

The Commission acted well within its authorized discretion in denying the speakeasy themed use. There is substantial evidence in the record indicating that the intended use -- which was much broader and different than originally represented -- was not an allowed use in the RBD zone. The existing zoning regulations for parking are consistent with the conclusion of the Fire Marshal that 14 spaces were inadequate and presented a safety concern. The Appellant did not prove that it was denied fundamental fairness at the planning and zoning public meeting. Finally the intended use as originally detailed to the Administrator changed substantially as the speakeasy theme was explained. Denial of the proposed use, therefore, does not form the basis for a claim of municipal estoppel.

### **A. The Commission in denying the application for the speakeasy themed use was acting within its discretionary authority as there was substantial evidence in the record that Section 23 et. seq. of the Shelton Zoning Regulations prohibited such a use.**

There is a strong presumption of regularity as to the action of municipal land use agencies. Murach v. PZC 196 Conn. 192, 205 (1985). The standard of review for the Court in examining the decision of the Commission is the "substantial evidence rule." (See. Fuller, *Connecticut Land Use and Practice, Burden of Proof*; Sec. 34.4 p.286)

If there is substantial evidence in the record to support conclusions reached by the local Commission, the trial court must uphold the decision. Vine v. ZBA, 281 Conn.

553, 559-560(2007). Further if a Commission places on the record the reason for its decision, the court should not "search out" or "speculate" as to the other reasons or rationale for decision of the Commission. See, Kaufman v. Zoning Commission 232 Conn. 122 (1995). In other words, the Court cannot substitute its judgment for the broad discretion allowed local land use agencies Whittaker v. ZBA of Trumbull 179 Conn 650,654 (1980). One of the rationales for this deference to local discretion is that the Commission is close to the local circumstances and conditions which create the issue and effect the solution, Fedorich v. ZBA of Torrington 178 Conn. 610, 614 (1979). A local land use agency must, however, exercise its discretion in a reasonable manner; the Court will not substitute its judgment when considerations are fairly debatable. See, Lurie v. PZC Westport 160 Conn. 295 (1971). Finally, within this context of deference to local land use Commissions, the Appellant has the burden of proof to show that the actions of the Commission were arbitrary, illegal or an abuse of discretion. Whittaker v. ZBA of Trumbull 179 Conn. At 654.

In the case before the Court, the actions of the Administrator and the Commission were reasonable in light of the history and record of the application, and should be afforded the deference detailed in the above case law. Once given the Addendum to the Statement of Use (ROR Exhibit 3) the Administrator realized that the Appellant did not merely intend to switch signs and permittees as it had initially professed. In the Appellant's own words the prior application provided the Administrator was "really bare bones" and not adequately explained (ROR Exhibit 18 at 186). The Addendum explained that a speakeasy themed use required changes in the physical structure which in turn altered the use of the Premises.

Again, in the Applicant's own words, doors were to be "inconspicuous". The Applicant seemed to revel in the use both being not visible from Bridgeport Avenue and being next to impossible to find without a GPS. (ROR Exhibit 18 pg. 185). Back doors were to be camouflaged and hidden. (Id.) Burlesque type variety shows involving magicians, jugglers and ventriloquists (ROR Exhibit 3 Pg. 2) or skits (ROR Exhibit 18 Pg. 190) were intended to be "discreet" and secretive. (Id. at 191) In keeping with this theme or experience "hostesses" dressed in flapper costumes would serve the public. (Id. at Pg. 186 also See ROR Exhibit 8)

Analyzing this new use or experience the Administrator concluded in his staff report that local zoning regulations did not provide for such a use and therefore prohibited such a use. (ROR Exhibit 21) The Administrator could and did reasonably make the conclusion after a two step review of Section 23. That section's table did not specifically permit the speakeasy use; and further, Section 23.2 stated that if a use is not permitted it is prohibited (ROR Exhibit 21 Section 2).

It is of importance to note that when drafted on December 15th, the conclusion of the Administrator was really only a staff report.<sup>2</sup> Thereafter, the Commission at the December 15th meeting conducted its own review of the proposed use. (ROR Exhibit 18 Pg. 187-197) The questions of the Commission Chair, as well as its members indicate a genuine interest in understanding what the proposed speakeasy themed use would entail (Id.) The Chair was concerned about the camouflaged back door in the back of the building which led to a double door that looked like a bookshelf (Id. At 187.)

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<sup>2</sup> The Appellant cites the report as confirmation that "the fix was in." However, the Administrator made no secret of his analysis stating clearly on the record that it was his opinion which the Commission could adopt if it choose to. (See ROR Exhibit 18 pg. 191). Given the transparent nature of the Administrator's report, he and the Commission are entitled to the "strong presumption of regularity allowed to land use agencies." Murach v. PZC AT 205.

During a series of questions between the Applicant's attorney, the Chair and members, less than a stellar presentation occurred (Id. at 189): dimensions on the application conflicted with no explanation (Id. at 187); the diagram which attempted to show a schematic of the speakeasy area was not to scale as required (Id. at 189); there was no definite information presented as to lights in the parking area (Id. at 191); there was reluctant agreement by the Applicant that the intended shows or skits were to be secretive or discreet in keeping with the speakeasy theme. (Id.)

Additionally, the Commission questioned the Applicant based on the December 6 report of the Fire Marshal. (Id. at 189) However, even through the application stated a need for 14 parking spaces, the Applicant though its counsel, had no answers in the response to questions about potentially 50 people occupying the Premises. (Id. at 189) When the Chair inquired as to how many customers would be on the Premises, there was no answer except to defer to the fire code and whatever it said. (Id.)

Finally, having heard from the Administrator, having reviewed the report of the Fire Marshal and having questioned the Applicant, the Commission unanimously moved adoption of the Administrator draft resolution to deny the application. (Id. at 192) In doing so the Commission exercised its allowable discretion to analyze local circumstances and conditions (See Fedorich at 614) to conclude that the Shelton Zoning Regulations by not allowing, currently prohibit, what is truly a new venue which mixes alcohol, theatre and secretiveness to entertain and serve the public. In its best light, a use that probably is very enjoyable and current. (See ROR 13 and 14) However, it is not a use currently allowed in Shelton. Further in denying the application, the Commission duly took into consideration issues of parking which affect the health



and safety of the public. This blend of C.G.S. Sec. 8-2 and parking is consistent with the authority of the Commission. "...[Z]oning regulations almost always contain on-site parking requirements incidental to a permitted use on the subject property...[p]arking is directly related to preventing overcrowding of land ... and other safety considerations which may be controlled by zoning." (*Fuller, Connecticut Land Use and Practice*, Sec. 4:38 *Open Space Parking Restrictions*, pg. 154).

**B. The existing zoning regulations for parking are consistent with the conclusion of the Fire Marshal that 14 spaces were inadequate and presented a safety concern.**

It was reasonable and fair for the Commission to rely upon the zoning regulations for parking (See Addendum B). As noted in Fuller above, parking requirements as to intended use rather than zone are allowed and are consistent with concerns for safety. Despite the claim of surprise or arbitrariness by the Applicant, the parking regulations were not created by the Fire Marshal in his report. They were on file in City Hall as well as on the internet. The Applicant seems to have made some type of calculation based on them since the Statement of Use recites a need for 14 spaces. (ROR Exhibit 2) Given that the drawing submitted with the application was not to scale, but did have outside dimensions it was reasonable for the Marshal to conclude that 50 customers could potentially occupy the Premises. According to the parking regulations 50 customers at a speakeasy themed use or what seems like a mix of theatre, alcohol and a secret experience venue -- possibly a dinner theater -- would require 17 parking spaces.

The safety concerns which follow from the inadequacy of such spaces are concerns the Commission could reasonably consider in its discretion.

Administrator. During that conversation the Applicant could have explained the secretive, camouflaged, hidden black back doors; the burlesque like shows or skits and the hostesses in flapper costume.

**III. Conclusion**

The appeal should be denied. The action of the Appellee Commission in denying the application for Certificate of Zoning Compliance should be allowed.

THE DEFENDANT

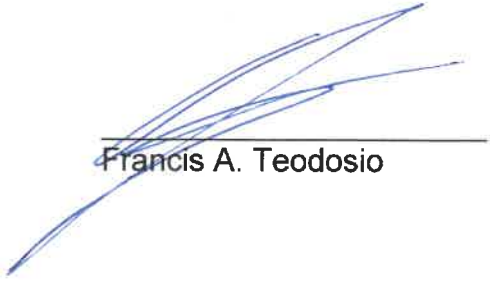
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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed on October 30, 2018 to all counsel and pro se parties of record as follows:

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## Appendix A

## SECTION 23 - PERMITTED USES

23.1 **SCHEDULE A: "SCHEDULE A - Permitted Uses"** is hereby declared to be a part of these Regulations. Land, buildings and other structures in any district shall be used for one or more of the uses specified in SCHEDULE A as permitted in the district. Uses listed in SCHEDULE A are permitted or prohibited in accordance with the following Designation and procedure:

- "P" means a use permitted in the district as a matter of right;
- "S" means a use permitted in the district, subject to submission and approval of a Site Plan in accordance with the provisions of SECTION 31;
- "E" means a use permitted in the district, subject to the securing of a Special Exception from the Planning and Zoning Commission in accordance with SECTION 33;
- "G" means a use permitted in the district, subject to the securing of a Temporary Special Exception from the Planning and Zoning Commission in accordance with SECTION 32;
- "X" means a use prohibited in the district; and
- "R" means that reference should also be made to a similar use elsewhere in SCHEDULE A.

23.2 **Prohibited Uses:** Land, buildings and other structures shall be used for one or more of the uses specified as permitted in SCHEDULE A, and no other. Any use not specified in SCHEDULE A as permitted is prohibited. To further assist in the interpretation of SCHEDULE A, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited:

23.2.1 Trailer parks and the use or occupancy of a trailer as a dwelling, except in accordance with the limitations of Paragraph 41.10 of these Regulations.

23.2.2 Junkyards; bulk storage of cement; concrete mixing plants; and bulk storage of petroleum products in tanks having a capacity in excess of 10,000 gallons.

23.2.3 The manufacture, use, storage and/or disposal of hazardous materials and hazardous waste products.

23.3 **Off-Street Parking and Loading:** Off-street parking and loading spaces shall be provided for any use of land, buildings and other structures in accordance with SECTION 42.

23.4 **Performance Standards:** The use of land, buildings and other structures shall conform to the performance standards specified in SECTION 43.

**SCHEDULE A - PERMITTED USES**

PERMITTED USES		DISTRICT CODES																		
		R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
1.	A single dwelling for one (1) family and not more than one (1) such dwelling per lot.	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X
1A.	Single family residential developments consisting of not more than six (6) single detached dwellings for one (1) family.	X	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
1B.	Conservation Residential Developments consisting of single detached dwellings for one (1) family and not more than one (1) such dwelling per lot, subject to the added requirements of Paragraph 33.13	E	E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
1C.	One dwelling unit accessory to a single detached dwelling for one (1) family, subject to the additional standards and provisions of Paragraph 45.6	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X
2.	Dwellings containing two (2) or three (3) dwelling units and not more than one (1) such dwelling unit per lot, subject to the additional lot area requirements of SCHEDULE B and the requirement that each dwelling unit be served by public water supply	X	X	X	X	E	E	X	X	E	X	X	X	X	X	X	X	X	X	X
2A.	Dwellings containing four (4) or more dwelling units, subject to the additional lot ware requirements of SCHEDULE B	X	X	X	X	E	E	X	X	E	X	X	X	X	X	X	X	X	X	X
2B.	Mixed-use developments containing four (4) or more dwelling units, subject to the additional requirements of Par. 33.12 and provided that no such units shall be located on the ground floor or basement level	X	X	X	X	X	X	X	X	E	X	X	X	X	X	X	X	X	X	X
2C.	Multi-family residential developments, with or without other permitted mixed commercial uses, subject to the additional standards and provisions of Paragraph 33.19.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E
3.	Multi-family residential developments consisting of one ore more dwelling units containing not less than four (4) nor more than 12 dwelling units	X	X	E	E	Er	Er	X	X	Er	X	X	X	X	X	X	X	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
3A. Multi-family residential developments consisting of dwellings containing not less than four (4) nor more than twelve (12) dwelling units, provided that such development is re-approval only, in accordance with Par. 33.6.12	X	E	Xr	Xr	Xr	Xr	X	X	Xr	X	X	X	X	X	X	X	X	X	X
4. A professional office in a dwelling unit, subject to the standards of Section 45	P	P	P	P	P	P	P	P	P	P	P	P	Xr	Xr	P	P	Xr	X	X
5. A business office or customary home occupation in a dwelling unit, subject to the additional standards of Section 45	P	P	P	P	P	P	P	P	P	P	P	P	P	Xr	Xr	P	P	Xr	X
6. The letting of rooms and/or furnishing of board in a dwelling unit, subject to the additional standards of Section 45	P	P	P	P	P	P	P	P	P	P	P	P	P	Xr	Xr	P	P	Xr	X
6A. <u>Family Day Care Homes</u> serving not more than six (6) unrelated persons, as defined and registered pursuant to the Connecticut General Statutes	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X
6B. <u>Group Day Care Homes and/or Child Day Care Centers</u> when such use is conducted in a dwelling unit and subject to the additional standards and conditions set forth in Section 33	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X
6C. <u>Group Day Care Homes and/or Child Day Care Centers</u> when such use is <u>not</u> conducted in a dwelling unit and subject to the additional standards and conditions set forth in Section 33	X	X	X	X	X	X	E	E	E	X	X	E	E	E	X	X	X	X	X
6D. <u>Group Day Care Homes and/or Child Day Care Centers</u> when such use is <u>not</u> conducted in a dwelling unit and is situated in a Light Industrial LIP or an Office Park OP district for the purpose of serving the persons employed within those Districts, subject to the additional standards and conditions set forth in Section 33	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	E	E	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES		DISTRICT CODES																		
		R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
7.	Buildings, uses and facilities of the City of Shelton	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	E	S
8.	Buildings, uses and facilities of the State of Connecticut and Federal Government	E	E	E	E	E	E	S	S	S	P	P	S	E	E	P	P	E	E	S
8A.	"Safe Homes" for foster children not exceeding twelve (12) years of age, subject to the additional standards and conditions set forth in Section 33	E	E	E	E	E	E	E	E	E	E	E	X	X	X	X	X	X	X	X
9A.	Farms, truck gardens, forestry, nurseries (including greenhouses incidental thereto) and the keeping of livestock, poultry and other types of birds and fowl, on a lot of not less than 200,000 square feet, subject to the additional standards and conditions of Section 45.7.	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
9B.	The keeping and raising of livestock, horses and other domesticated animals as pets but specifically excluding pigs, fur-bearing animals, chickens, poultry and other fowl, when accessory to a permitted dwelling unit on a lot of not less than 80,000 square feet, subject to the additional standards and conditions of Section 45.8.	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
9C.	Farm wineries, subject to the approval and issuance of a manufacturers permit in accordance with the provisions of the Liquor Control Act of the Connecticut General Statutes including the offering, sampling and selling at retail of such wine, subject to the additional standards and conditions of Section 45.9.	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
10.	Stands for the display and sale of farm and truck garden produce grown on the premises, provided that such stand does not exceed three hundred feet square in area and is located not less than 20 feet from any property or street line	P	P	P	P	P	P	Sr	Sr	Sr	Sr	Pr	S	X	X	P	P	X	X	X



**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
11. Commercial nurseries, including greenhouses incidental thereto, provided that any building in connection therewith is located not less than 100 feet from any property or street line and that there is no sale of products on the premises other than those grown on the premises.	P	P	P	P	P	P	Sr	Sr	Sr	Sr	Pr	S	X	X	P	P	X	X	X
12. Commercial nurseries and greenhouses	X	X	X	X	X	X	S	S	S	Sr	S	Xr	Xr	Xr	Xr	Xr	X	X	X
13A. The following uses when conducted by a non-profit corporation and not as a business or for profit: churches and places of worship and accessory parish halls	P	P	P	P	P	P	Pr	Pr	Pr	Sr	Pr	Er	Er	Er	Er	Er	X	X	X
13B. The following uses when conducted by a non-profit corporation and not as a business or for profit: schools; colleges; universities; general hospitals; cemeteries; educational, religious, philanthropic, scientific, literary, historical & charitable institutions; and agricultural and horticultural societies	E	E	E	E	E	E	Sr	Sr	Sr	Sr	Pr	Er	X	X	Er	Er	X	X	X
14. Churches and places of worship; parish hall; schools; literary, historical & charitable institutions and agricultural and horticultural societies	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	E	X	X	E	E	X	X	X
15. The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; recreation facilities; nature preserves; and wildlife sanctuaries	E	E	E	E	E	E	Sr	Sr	Sr	Sr	Pr	X	E	X	X	X	X	X	X
16. Membership clubs; lodges; community houses	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	X	X	X	X	X	X	X	X
16A. Full service fitness centers serving the general public	X	X	X	X	X	X	S	S	S	S	S	E	E	E	E	E	X	X	E
16B. Fitness centers when clearly accessory to permitted office and/or industrial uses and facilities	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	S	S	S	S	S	S	S	S

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
<b>17.</b> A summer camp or golf, tennis, swimming or similar club, whether conducted as a business or for profit or not, subject to the following conditions: a. The camp or club shall be located on a lot of at least five (5) acres, and no building shall be located within less than 75 feet of any street line or within less than 150 feet of any property line b. The furnishing of meals, refreshments, beverages and entertainment shall be only incidental to the conduct of the camp or club, and there shall be no furnishing of rooms except for accommodates for employees of the camp or club	E	E	E	E	E	E	S	S	S	S	X	X	X	X	X	X	X	X	X
<b>18.</b> Livery boarding stables and riding schools subject to the following conditions: a. Each use shall require a lot of not less than five (5) acres, respectively b. Any building in which livestock are kept shall be located not less than one hundred fifty (150) feet from any property or street line. c. All dogs shall be confined in a closed building except during daylight hours	E	E	E	E	E	E	S	S	S	S	S	S	S	S	S	S	X	X	X
Commercial kennels and kennels, subject to the following conditions: a. Each use shall require a lot of not less than five (5) acres, respectively b. Dogs shall be kept in buildings, enclosures or run-ways located not less than three hundred (300) feet from the property or street line c. All dogs shall be confined in a closed building except during daylight hours	X	X	X	X	X	X	X	E	E	E	E	E	E	E	E	E	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
19. Hospital, convalescent homes and sanitaria owned and/or licensed by the State of Connecticut, subject to the following conditions:  a. When the use is not served by public water supply and sanitary sewers, the use shall be located on a lot containing not less than 7,000 sq. ft. for each patient accommodation.  b. When the use is served by both public water supply and sanitary sewers, the use shall be located on a lot containing not less than 3,000 sq. ft. for each patient accommodation.	E	E	E	E	E	E	S	S	S	S	P	X	X	X	X	X	X	X	X
20. Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies	E	E	E	E	E	E	Sr	Sr	Sr	Sr	Pr	Sr	E	E	Pr	Pr	E	E	E
21. Public utility substations, telephone equipment buildings and maintenance and service facilities	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	S	E	E	P	P	E	E	E
22. Public utility water supply reservoirs, wells, towers, treatment facilities and pump stations	E	E	E	E	E	E	S	S	S	S	P	S	E	E	P	P	E	E	E
22A. Co-located Cell Sites utilizing existing structures, subject to the additional standards & conditions of Section 48	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
22B. Cell sites on a new cell site tower, subject to the additional standards and conditions of Section 48	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
23. Public utility plants	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X
24. Stores and other buildings and structures where goods are sold or service is rendered primarily at retail	X	X	X	X	X	X	S	S	S	S	S	S	Xr	Xr	Xr	Xr	Xr	X	X
24A. Adult Oriented Business Establishments whose principal activity is related to adult entertainment and including but not limited to adult bookstores, adult motion picture theatres, adult mini-motion picture theatres, adult cabarets, adult novelty businesses and/or adult personal service businesses.	X	X	X	X	X	X	X	X	X	X	E	X	X	X	X	X	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
25. Stores and other buildings and structures where goods are sold or service is rendered at retail, when accessory and subordinate to a permitted use on the same premises.	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	S	E	E	P	P	E	X	X
25A. Moderate-impact, restricted retail establishments as defined in Section 5 having a gross floor area of not less than 10,000 sq ft each, subject to the additional standards of Paragraph 33.18	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	X	X	X	X	X	X	X	E
26A. Business and professional offices	X	X	X	X	X	X	S	S	S	S	S	E	E	E	E	E	E	E	E
26B. Professional Offices	E	E	E	S	S	S	S	S	S	S	S	E	E	E	E	E	E	E	E
26C. Professional Offices and Limited Business Offices occupying not more than 4,000 sq. ft. of total floor area	X	X	X	S	S	S	S	S	S	S	S	S	S	S	Xr	Xr	Xr	Xr	Xr
27. Office buildings for business and professional establishments, provided that not more than 20% of the net rentable space, up to a maximum of 5,000 square feet in any one building is occupied by those establishments rendering services to customers and clients on the premises	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	S	S	S	P	P	S	S	S
28. Banks and other financial institutions	X	X	X	X	X	X	S	S	S	S	S	E	E	E	E	E	X	E	E
29. Undertaker establishments	X	X	X	X	X	X	S	S	S	S	S	X	X	X	X	X	X	X	X
30. Indoor theatres and assembly halls	X	X	X	X	X	X	E	E	E	E	E	X	X	X	X	X	X	X	X
31. Self-service cleaning establishments or cleaning agency, including clothes pressing and cleaning with non-flammable liquids; laundry agency or self-service laundry not using steam	X	X	X	X	X	X	S	S	S	Sr	Pr	Xr	Xr	Xr	Xr	Xr	Xr	X	X
32. Laundry, cleaning and dyeing plants, not for retail	X	X	X	X	X	X	Xr	Xr	Xr	S	P	S	S	S	P	P	S	X	S
33. Hotels and motels	X	X	X	X	X	X	X	X	S	S	P	X	E	X	X	X	X	X	X
34. Restaurants and other food service establishments	X	X	X	X	X	X	Xr	Xr	Xr	S	S	X	Xr	Xr	Xr	Xr	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
35. Restaurants and other food service establishments where customers are served only when seated at tables or counters and at least three quarters of the customer seats are located within an enclosed building, where food is served on porcelain dishes and by waiters and/or waitresses. Such may include a food take-out service incidental to the primary permitted use but shall not include establishments where customers are served primarily at take-out counters	X	X	X	X	X	X	S	S	S	Sr	S	X	E	E	P	P	X	X	S
36. Motor vehicle service stations; motor vehicle repair garages incl. automatic, truck, trailer & farm equip. repairing; estab. For motor vehicle washing; and estab. For the sale of new or used autos, trucks, trailers or farm equipment or the rental thereof	X	X	X	X	X	X	X	Xr	X	S	S	Xr	Xr	Xr	P	P	X	X	S
36A. Establishments for the sale of new/used autos, trucks, trailers or farm equip., including facilities for the washing, repairing, painting, upholstering and the leasing and rental thereof, when associated with and subordinate thereto, when such estab. are located on a lot having a min. area of 80,000 s.f. with frontage on and direct access to Bpt. Ave.	X	X	X	X	X	X	X	X	X	Xr	Xr	X	S	S	Xr	Xr	X	X	S
37. Motor vehicle service stations having a limited repairer's license issued by the State of Connecticut	X	X	X	X	X	X	X	S	X	Sr	Sr	Xr	Xr	Xr	Pr	Pr	Xr	X	X
38. Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to a permitted use on the same premises	X	X	X	X	X	X	X	Xr	X	Sr	Sr	S	S	S	Pr	Pr	S	X	S
39A. Bowling alleys and billiard or pool halls	X	X	X	X	X	X	S	S	S	S	S	X	X	X	X	X	X	X	X
39B. Indoor Amusement Centers	X	X	X	X	X	X	X	X	X	E	E	X	X	X	X	X	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
39C. Indoor Amusement Centers and game rooms when clearly a subordinate secondary use as an adjunct to a directly related and permitted principal use on the same premises, owned and operated as an integral part of the principal use area and occupying not more than 5% of the total floor area allocated to said principal use.	X	X	X	X	X	X	E	E	E	E	E	E	E	E	E	E	E	X	E
40. Veterinary hospitals	X	X	X	X	X	X	E	E	X	E	E	X	X	X	X	X	X	X	X
41. Medical and dental clinics	X	X	X	X	X	X	S	S	S	S	S	X	X	X	X	X	X	E	X
42. Warehousing and wholesale businesses	X	X	X	X	X	X	Xr	Xr	Xr	S	S	X	X	X	P	P	X	X	X
42A. Accessory Warehousing and Storage as defined in 5.3 and subject to the limitations contained therein	X	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X
42B. Self-Storage Facilities subject to the approval of a Special Exception under the provisions in Section 33	X	X	X	X	X	X	X	X	E	X	X	X	X	X	X	X	X	X	X
43. Storage of a reasonable quantity of retail merchandise and supplies necessary for the operation of a permitted use being conducted on the same premises	X	X	X	X	X	X	S	S	S	Sr	Sr	S	S	S	Pr	Pr	X	X	S
44. Commercial storage, sale and distribution of fuel and bottled gas, excluding tanks for petroleum products having a capacity in excess of 10,000 gallons	X	X	X	X	X	X	X	X	X	E	P	X	X	X	P	P	X	X	X
45. Building contractors businesses and storage yards	X	X	X	X	X	X	X	X	X	S	S	X	X	X	P	P	X	X	X
46. Lumber and building materials businesses and terminal	X	X	X	X	X	X	X	X	X	S	P	X	P	P	P	P	X	X	E
47. Freight and materials, trucking businesses and terminals	X	X	X	X	X	X	X	X	X	S	S	Xr	X	X	P	P	X	X	X
47A. Bus passenger terminals	X	X	X	X	X	X	X	X	X	S	S	Xr	S	S	P	P	X	X	S
48. Freight and materials, trucking businesses when accessory and subordinate to a permitted use on the same premises	X	X	X	X	X	X	X	X	X	Sr	Sr	S	S	S	Pr	Pr	S	X	S
49. Commercial boat houses, landings, docks and marinas	X	X	X	X	X	X	S	S	S	S	P	X	P	P	P	P	X	X	X

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
50. Research laboratories	X	X	X	X	X	X	Xr	Xr	Xr	S	S	S	S	S	P	P	X	X	X
51. Research laboratories, provided there is no manufacture, processing or assembling of goods except as incidental to research	X	X	X	X	X	X	S	S	S	Sr	Sr	Sr	Sr	Sr	Pr	Pr	S	S	S
52. The manufacture, processing or assembling of goods, excluding the processing of asphalt and earth materials	X	X	X	X	X	X	Xr	Xr	Xr	Xr	Xr	S	S	S	P	P	S	X	S
52A. The manufacture, assembly, finishing, servicing and other activities related to the processing of goods, when associates with and when accessory and subordinate to a permitted use being conducted on the same premises and when located within an enclosed building and not exceeding 35% of the floor area of said building	X	X	X	X	X	X	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	S
53. The manufacture, processing or assembling of goods when accessory and subordinate to a permitted use being conducted on the same premises and when located within an enclosed building	X	X	X	X	X	X	S	S	S	S	S	Sr	Sr	Sr	Pr	Pr	S	X	S
54. Plants for the processing and distribution of milk and edible dairy products and packaging and distribution of beverages	X	X	X	X	X	X	X	X	X	S	P	Sr	Sr	Sr	Pr	Pr	X	X	S
55. Printing and publishing establishments	X	X	X	X	X	X	Xr	Xr	Xr	S	P	S	S	S	P	P	S	X	S
56. Printing and publishing establishments occupying not more than 5,000 square feet of floor area	X	X	X	X	X	X	S	S	S	Sr	Pr	Sr	Sr	Sr	Pr	Pr	Sr	X	S
57. Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops, when occupying not more than 5,000 square feet of floor area	X	X	X	X	X	X	X	X	X	S	P	Sr	Sr	Sr	Pr	Pr	Sr	X	S
58. Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops	X	X	X	X	X	X	X	X	X	Xr	Xr	S	S	S	P	P	S	X	S
59. Excavation of earth materials as provided in Section 32	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G

**SCHEDULE A - PERMITTED USES**

PERMITTED USES	DISTRICT CODES																		
	R-1A	R-1	R-2	R-3	R-4	R-5	CA-1	CA-2	CA-3	CB-1	CB-2	IA-1	IA-2	IA-3	IB-1	IB-2	LIP	OPD	RBD
60. Signs as provided in Section 44	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S
61. Off-street parking & loading facilities	Xr	Xr	Xr	Xr	Xr	Xr	S	S	S	S	P	S	S	S	P	P	S	X	S
61A. Off-street parking & loading facilities directly associated with and required to support a permitted use to be conducted on the same premises	Xr	Xr	Xr	Xr	Xr	Xr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	Sr	S	S
62. Accessory uses customary with and incidental to any aforesaid permitted use, subject to the securing of a Special Exception or submission and approval of a Site Plan if required for such permitted use and subject to the following additional standards and conditions applicable in Residence Districts:	P	P	P	P	P	P	P	P	P	S	P	S	S	S	P	P	S	E	S
a. The accessory use shall be located on the same lot with the permitted use to which is it accessory																			
b. Accessory uses may include off-street parking spaces and private garages, except that no unregistered motor vehicle or parts of motor vehicles shall be maintained on any lot unless located in an enclosed building																			
c. Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot and such vehicle shall not exceed 1.5 tons capacity																			
d. No land in a Residence District shall be used for vehicular access to a use permitted only in a Commercial, Industrial or Light Industrial Park District																			



## Appendix B

## SHELTON PLANNING AND ZONING COMMISSION

Sept. 18, 2012; Rev. 8/22/13 (As **ADOPTED** 8/28/13 **EFFECTIVE** Sept. 13, 2013 @ 8:00 a.m.)

### SECTION 42 – OFF-STREET PARKING AND LOADING

**42.1 General:** It is the purpose and intent of this **Section** to assure that parking spaces and loading spaces are provided off the street in such number and location and with suitable design and construction to accommodate the motor vehicles of all persons normally using or visiting a use, building or other structure at any one time. Off-street parking and loading spaces required to be provided by this **Section** shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. If any existing use of land, building or other structure is changed to a use requiring additional off-street parking and loading spaces to comply with this **Section**, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any use already existing shall conform to these standards to the extent that it conforms at the time of adoption of these Regulations. Any existing use which does not conform to the standards of this **Section** shall not be changed to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this **Section**. All off-street parking and loading spaces hereafter established, whether required to be provided by this **Section** or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a **Site Plan** or **Special Exception** under these Regulations.

**42.2 Parking Space Standards:** Off-street parking spaces shall be provided in accordance with the following minimum standards. Parking must be located on the same lot as the use it serves unless the Commission approves parking on another lot as authorized herein as part of a **Site Plan** or **Special Exception** approval. In no case shall required spaces be located more than 500 feet from the entrance to the use they serve. As required by the Americans With Disabilities Act (ADA), designated parking for disabled persons shall be provided for all uses. Each such space shall be marked with one international accessibility symbol and posted with a sign in accordance with the ADA. Said space shall be located as close as practical to an accessible entrance to the use it serves. Striping specifications for said spaces shall comply with the ADA and its sign must be placed so that it is not obscured by a vehicle parked in that space. All off-street parking requirements shall not be subject to variance by the Zoning Board of Appeals without the consent of the Commission.

## **USE CLASSIFICATION**

## **MINIMUM SPACES REQUIRED**

### **Residential, Public and Semi-Public Uses**

- |   |  |
|---|--|
| 1. Dwellings containing one or two dwelling units:                          | Two (2) spaces per dwelling unit (DU):   |
| 2. Dwellings containing three (3) or more owner-occupied (condominium) DUs: | Two (2) spaces per dwelling unit plus 0.5 visitor spaces per unit  |
| 3. Dwellings containing three or more rental apartment DUs:                 |  |
| a. Efficiency/Studio DUs:   | One and one quarter (1.25) parking spaces per rental apartment unit  |
| b. One & two bedroom DUs:   | Two (2) parking spaces per rental apt. unit for the first five (5) DUs. After the first five (5) DUs, one and one half (1.5) spaces per rental apartment DU.                     |
| c. Three or more bedroom DUs:   | Two and one half (2.5) parking spaces per rental apartment DU.   |
| d. Visitor parking:   | In addition to the above, one (1) visitor space per two (2) rental apartment units.  |
| 4. Community residence, rooming houses or rooms to let in a dwelling unit:  | One (1) parking space for each guest room, bedroom or rooming unit.  |
| 5. Customary Home Occupation  | In addition to residential requirements, one (1) space for each non- resident employed and one (1) additional space.   |
| 6. Professional Office in a DU:   | In addition to residential requirements, one (1) space for each non-resident employed and one (1) additional space   |
| 7. Places of worship, clubs & lodges:                                       | One (1) space per 10 linear feet of pew/bench and/or four (4) fixed seats in the main assembly room or one (1) space for each twenty (20) square feet in the main assembly room. |

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|---|--|
| 8. Country clubs, swim clubs and similar recreational uses:             | One (1) space per each three (3) persons, based on the maximum capacity of all facilities capable of simultaneous use, as determined by the Manager and agreed upon by the Commission. |
| 9. Hospitals, convalescent homes, nursing homes and similar facilities: | One (1) space for each three (3) patient beds one (1) space for each 1.5 employees   |

### **Commercial and Industrial Sales, Service and Manufacturing Uses**

- |   |   |
|---|---|
| 1. Art gallery:   | One (1) space for each three hundred fifty (350) square feet of gross floor area.   |
| 2. New and used automobile, boat, camper or similar vehicle sales or rental business: | One (1) parking space for each one thousand (1,000) square feet of gross land area used for sales and display purposes  |
| 3. Barber or beauty shop:   | One and one half (1.5) parking spaces for each work station   |
| 4. Bank, financial institution, public or private utility office:                     | One (1) parking space for each two hundred (200) square feet of gross floor area  |
| 5. Bed and breakfast establishment:   | One (1) parking space for each guest unit in addition to parking requirements for the owner/occupant  |
| 6. Billiard parlors:  | One (1) parking space per one and one half (1.5) billiard tables  |
| 7. Bowling alleys:  | Four (4) parking spaces for each bowling lane   |
| 8. Bus depots:  | One (1) parking space for each one hundred (100) square feet of waiting room space  |
| 9. Business or professional offices:  | One (1) parking space for each two hundred fifty (250) square feet of gross floor area  |
| 10. Carwash:  | Vehicle stacking space for not less than five (5) vehicles per washing station and sufficient parking to satisfy the needs of all services provided, plus not less than one (1) space per employee on the maximum work shift. |
| 11. Self service cleaning or laundry use or similar personal service use:             | One (1) parking space for each two (2) cleaning, washing and/or drying machines.  |

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|---|---|
| 12. Cleaning Plant:   | One (1) parking space for each three hundred (300) square feet of gross floor area  |
| 13. Automotive services, repair shops, garages, wholesale uses:   | One (1) parking space for each two hundred (200) square feet of gross floor area (including display)  |
| 14. Convenience markets:  | One (1) parking space for each two hundred (200) square feet of gross floor area  |
| 15. Day nursery or nursery school:  | one (1) parking space for each staff member plus convenient parking for drop-off and pickup at the ratio of one (1) space for each five (5) students of the peak enrollment session, but no less than five (5) such spaces. |
| 16. Dry cleaner's store:  | One (1) parking space for each two hundred (200) square feet of gross floor area  |
| 17. Drive-through uses:   |   |
| a. Bank or financial:   | Vehicle stacking for not less than five (5) vehicles.   |
| b. Food Establishments for the sale or consumption of food or beverage on the premises with more than sixteen (16) seats: | Vehicle stacking for not less than four (4) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.                           |
| c. Food Establishments for the sale or consumption of food or beverage on the premises with sixteen (16) seats or less:   | Vehicle stacking for not less than six (6) vehicles before the ordering area shall be required; the Commission may require additional stacking area for typically high activity drive-thru uses.                            |
| d. Convenience markets:   | A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window  |
| e. Dry cleaning store:  | A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window  |
| f. Pharmacies:  | A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window  |
| g. Other:   | A minimum of sixty (60) feet of stacking area to accommodate at least three (3) vehicles at the window; the Commission may require additional stacking area for typically high activity drive-thru uses.                    |

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|---|--|
| 18. Food store, supermarket:  | One (1) parking space for each one hundred fifty (150) square feet of gross floor area for buildings up to 10,000 square feet gross floor area plus one (1) space for each additional two hundred (200) square feet of gross floor area in excess of ten thousand (10,000) square feet gross floor area. |
| 19. Furniture and/or appliance stores:  | One (1) parking space for each seven hundred fifty (750) square feet of sales display area   |
| 20. Gas service stations:   | One (1) stacking space per two (2) pumps, plus two (2) parking spaces per service bay  |
| 21. Golf courses (private and public):  | Six (6) parking spaces per green   |
| 22. Gymnasiums and health studios:  | One (1) parking space per three hundred (300) square feet of exercise area   |
| 23. Hotels, motels:   | One and one quarter (1.25) parking space per guest unit  |
| 24. Manufacturing or industrial uses, including office or other incidental operation on the site: | One (1) parking space for each 1.5 employees but not less than 1 parking space per 750 sq. ft. of gross floor area   |
| 25. Medical or dental offices:  | One (1) parking space per two hundred (200) square feet of gross floor area  |
| 26. Miniature golf courses and/or golf ranges:  | One and one half (1.5) parking spaces for driving each hole of the course and/or driving range station.  |
| 27. Mortuaries, funeral homes:  | One (1) parking space per three (3) persons of maximum capacity as determined by the Fire Marshall, but not less than 15 spaces per viewing room, plus one (1) space per each commercial funeral vehicle   |
| 28. Heavy equipment and machinery sales:  | One (1) parking space per one thousand (1,000) square feet of outdoor land display area and/or one (1) space for each 750 sq. ft. of gross floor area  |
| 29. Planned shopping centers:   | Four (4) parking spaces per 1,000 sq. ft. or as approved by the P&Z Commission   |
| 30. Plant nursery, garden shop:   | Five (5) parking spaces plus one (1) additional parking space for each two thousand (2,000) square feet of sales or display area   |

31. Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage on the premises with more than sixteen (16) seats:	One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) additional space for each 50 square feet of patron bar and/or cocktail lounge area.
Restaurant primarily for sale of food and beverages off premises with sixteen (16) seats or less:	One (1) parking space for each two hundred (200) square feet of gross floor area
32. Retail, general:	One (1) parking space for each two hundred (200) square feet of gross floor area
33. Skating rinks, dance halls/dance studios:	One (1) parking space per two hundred fifty (250) square feet of gross floor area
34. Theater or auditorium:	One (1) parking space for each three (3) seats in the main assembly room
35. Warehouse and distribution industry:	One (1) parking space for each two thousand (2,000) square feet for the first twenty thousand (20,000) square feet; one (1) parking space for each four thousand (4,000) square feet of floor area of the remaining building area
36. Wholesale:	One (1) parking space for each five hundred (500) square feet of gross floor area

### **Handicapped Parking Spaces**

<b><u>Use</u></b>	<b><u>Minimum Off-Street Parking Requirements</u></b>
1. Designated parking for disabled persons shall be provided for all uses as designated by the Americans With Disabilities Act.	Each handicapped space shall be marked with an international accessibility symbol and posted by a sign in accordance with the Americans With Disabilities Act and located as close as practical to an accessible entrance to the building. The sign must be placed so that it is not obscured by a vehicle parked in that space. The striping specifications for handicapped spaces shall comply with the Americans With Disabilities Act. The total number of required parking spaces shall be determined by the Building Official.

### **Other Uses Not Specifically Covered Above**

The Commission shall determine the number of parking spaces needed to adequately serve the proposed use and adequately preserve the intent of this SECTION 42.

- 42.3 Loading Space Standards:** Each hospital, hotel, motel, retail store building, undertaker's establishment, restaurant, tavern, bar, nightclub, warehouse, wholesale business, trucking terminal, contractor's business, research laboratory and establishment for the manufacture, processing or assembling of goods, having a ground floor area in excess of 4,000 square feet, shall have one (1) off-street loading space for each 40,000 square feet of gross floor area or fraction thereof, excluding basements, and located on the same lot with the building.
- 42.4 Classification of Uses:** Whenever two or more classifications provided in Paragraph 42.2 shall apply to a use of land, buildings or other structures, the standard requiring the larger number of parking spaces shall apply, but where separate parts of a building or structure are used for purposes requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each type of use.
- 42.4.1 Municipal Parking Facilities:** In the Central Business Core Area(CBCA)/Central Business District overlay zone, a significant supply of municipal off-street parking is available under the direction of the Shelton Parking Authority. Therefore any required parking not available on-site may be satisfied in part through an agreement with said Shelton Parking Authority to provide all or a portion of said required parking. In lieu thereof, under the provisions of the Connecticut General Statutes and in accordance with policies and procedures of the City of Shelton, an applicant may enter into an agreement with the City for payment in lieu of providing all or a portion of said required parking and reserving said spaces in available, municipal off-street parking facilities, provided said facilities are in close proximity to the area of need.
- 42.4.2 Shared Parking:** For mixed-use developments involving multi-family residential uses in combination with other appropriate non-residential uses, the Commission may allow a credit for shared parking. For studio and one-bedroom apartments, said credit shall not exceed 0.5 spaces per dwelling unit and for two or more bedroom apartments, said credit shall not exceed 1.0 spaces per dwelling unit. The Commission at its sole discretion may deny such credits where the peak demand of the non-residential use occurs in the evening hours.
- 42.5 Joint Use:** Except where the required parking must be located on the same lot with the building, joint parking areas and loading spaces may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. Acceptable evidence as to the permanency of jointly-provided parking spaces shall be provided by the applicant.



**42.6 Modification of Standards:** The Commission may, in connection with the approval of a **Site Plan** or the granting of a **Special Exception**, authorize a lesser number of off-street parking and/or loading spaces than specified in Par. **42.2** and **42.3** or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that the following standards and conditions are met:

**42.6.1** The number of spaces provided on the **Site Plan** are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use or occupancy of land, buildings or other structures specified in the Application for a **Certificate of Zoning Compliance**;

**42.6.2** There is sufficient and suitable area on the lot to provide in the future the full number of spaces specified in Par. **42.2** and **42.3**;

**42.6.3** That any spaces located on another lot are conveniently accessible to persons normally using or visiting the use and that traffic congestion and on-street parking and loading will not result; and

**42.6.4** The authorization shall be applicable only to the particular use or occupancy of land, buildings and other structures specified in the Application for a **Certificate of Zoning Compliance** and approved by the Commission. Such authorization shall become null and void upon any change in the use or occupancy to another use or occupancy.

**42.7 Design and Construction Standards:** All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

**42.7.1 Dimensions:** Each parking space shall constitute an area of such shape as to contain a rectangle of not less than nine (9) feet by 20 feet, with vertical clearance, access and slope as to accommodate one (1) automobile. For spaces located in or on a building or structure, said rectangle may be reduced to an area of 160 square feet. When the end of a parking space is adjacent to and capable of overhanging a curbed, sidewalk, landscaped area or island, the length of the space may be reduced to 18 feet by allowing the curbing to function as a wheel stop. Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type servicing the lot; at a minimum, such space shall be not less than 12 feet in width and 30 feet in length with a vertical clearance of 15 feet.

**42.7.2 Access:** Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet, can approach the space and execute any necessary backing and turning movements without need to use any part of a public street right-of-way and can exit onto the

street in a front forward direction; the front forward exit requirement shall not apply to parking spaces provided in connection with a dwelling containing one (1) or two (2) dwelling units, an office in a dwelling and rooms to let in a dwelling when the sole driveway access to such spaces does not connect to a State Highway. No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way to back into such space. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. Off-street parking facilities shall be designed in accordance with acceptable standards of layout and design and as necessary to satisfy the Connecticut Building Code for handicapped spaces.

**42.7.3 Improvement:** All off-street parking and loading spaces shall be suitably improved, graded, stabilized, drained and maintained so as to cause no nuisance or danger from dust or from storm water flow onto any public street or adjacent property. Except as may be otherwise authorized at the sole discretion of the Commission, the entire parking area, including parking spaces and maneuvering lanes, shall be surfaced with bituminous concrete or portland cement concrete in accordance with specifications approved by the City Engineer. The Commission may authorize an alternative pavement and/or surface treatment or may defer the installation of all or some portion of final pavement and/or curbing provided suitable arrangements are made to assure completion of such pavement/curbing when so ordered. In commercial and industrial districts, when recommended by the City Engineer and approved by the Commission, curbing shall be constructed of portland cement concrete.

**42.7.4 Layout:** All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow safe and convenient use of each parking space. A "parking bay" consists of two (2) parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and changes of use shall be provided with sufficient handicapped parking spaces as required by the Connecticut State Building Code. Location, design standards and identification signage for such spaces shall comply with said Code. Provision shall be made for safe and convenient use of all parking spaces and for circulation within parking areas as follows:

- a. By provision of suitable circulation driveways giving access to parking aisles and spaces;
- b. By provision for safe pedestrian circulation within parking areas;
- c. By providing for channelized traffic flow within parking areas, including provision of curbed, raised and landscaped linear islands to separate any two (2) parking bays from any other bay; and

- d. By suitable markings, curbs, end islands, fences or other devices to encourage proper and efficient use of each parking space, providing that not more than 16 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of nine (9) feet.

No loading space shall be arranged in such manner as to obstruct use of required parking spaces or traffic circulation within the parking areas.

**42.7.5 Driveways:** There shall be no more than two (2) driveways entering any lot from any one street, except that there may be one (1) additional driveway for each additional 300 feet of lot frontage in excess of 300 feet. Driveways shall be not less than 15 feet in width for one-way travel and not less than 24 feet in width for two-way travel, measured at the street line. Driveways shall have a maximum grade of ten percent (10%). However, limited portions of driveways may have a grade of up to 12% over a length of 100 feet provided that multiple 12% lengths of driveway are separated from each other by not less than 100 feet of driveway at grades less than 10%. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 15 feet unless a larger radius is required by the Town or State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

**42.7.6 Location - Loading:** No off-street loading spaces or access aisles in connection therewith shall be located in the area required for setback from a street line or Residence District boundary line or within 10 feet of any side line; in Residence Districts no such space shall be located in any required yard area.

**42.7.7 Location - Parking:** Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, all off-street parking spaces and/or access aisles in connection therewith, located within 10 feet of any street line shall be separated from such right-of-way by a concrete curb, a fence or by an embankment not less than 24 inches in height and shall be provided with such curb, fence, wall barrier or embankment in such a manner that cars will not overhang the street line. No parking space or access aisle in connection therewith shall extend within five (5) feet of any side property line, except for permitted driveway entrances, and approved interconnections with adjoining properties. In Residence Districts, off-street parking shall also conform to the following minimum standards:

- a. No off-street parking spaces shall extend to within less than five (5) feet of any dwelling;
- b. Not more than 50% of the area required for setback from a street line shall be used for driveways and off-street parking and except for necessary driveway

entrances, any parking spaces and their access drives located within the area required for setback from a street line shall be separated from such street line by a landscaped planting strip having a minimum width of six (6) feet; and

- c. The aggregate lot coverage of all buildings, other structures and off-street parking and loading spaces, including driveways, shall not exceed the maximum total impervious lot coverage allowed under **SCHEDULE B** of these Regulations.

**42.7.8 Landscaping:** Except for parking spaces provided in connection with a single family dwelling, an office in a dwelling and rooms to let in a dwelling, and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street line and side property line shall be suitably landscaped with trees and/or shrubs, lawn, washed gravel or other appropriate ground cover. In other than Residence Districts, when parking spaces and access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas. A strip of land not less than 12 feet in width along and adjacent to any Residence District boundary and five (5) feet in width along any property line the opposite side of which is devoted to single family residential use, shall be landscaped and planted with an effective buffer to a height of not less than four (4) feet above the parking surface for screening headlight glare. Such buffer shall consist of evergreen trees or shrubs planted not more than four (4) feet apart or a combination of evergreen plantings and berms or appropriate screen fencing.

In addition to the above, for parking facilities exceeding 30 spaces, interior landscaping area shall be provided as follows:

- a. Within the interior of the parking facility, landscaped areas shall be provided at the ratio of one square foot of landscaped area for each 20 square feet of parking lot, and shall be located in a manner that breaks up the expanse of pavement throughout the lot.
- b. Each interior landscape area shall have a minimum area of 150 square feet.
- c. There shall be at least one (1) deciduous tree for each 100 square feet of interior landscape area and each interior landscaped area shall contain at least one (1) tree.

**42.8 Waiver of Immediate Installation:** With respect to the installation of parking spaces required by this **Section**, the Commission may, upon the request of any property owner or other applicant, waive the immediate installation of not more than 25% of the required number of parking spaces upon the following conditions:

- a. that the parking plan submitted to the Commission show the layout for the full parking requirement and identify those spaces for which waiver of immediate installation is requested;
- b. that the Commission find the reduced number of parking proposed to be installed will adequately serve the proposed development;
- c. that the owner file with the Commission and note on the parking plan an agreement obligating the owner, his heirs or successors and assigns to install such remaining parking spaces within six (6) months after the date of any request by the Commission to do so;
- d. that the Commission at its sole discretion may require posting of appropriate bonding to assure the installation of said deferred spaces, which bonding shall be maintained in effect for a maximum period of two (2) years; and
- e. that the agreement herein referred to be incorporated by reference as a covenant in any **Special Exception** approval, the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such **Special Exception** approval recorded on the land records.